



**STATE OF MAINE  
PUBLIC UTILITIES COMMISSION  
242 STATE STREET  
18 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0018**

THOMAS L. WELCH  
CHAIRMAN

STEPHEN L. DIAMOND  
SHARON REISHUS  
COMMISSIONERS

July 22, 2003

Richard C. Burnham, PE  
Water & Sewer Superintendent  
Lewiston Public Works Water Division  
P.O. Box 7250  
Lewiston, ME 04243-7250

RE: CITY OF LEWISTON WATER DIVISION  
Proposed Rate Change  
Docket No. 2003-356

Dear Mr. Burnham:

On May 16, 2003, the City of Lewiston Water Division (City) filed information with the Commission pursuant to 35-A M.R.S.A. § 6104. The filing proposed to increase operating revenues by \$403,882 or 15.44% over estimated revenues at current rates. The public fire protection charges will be 12.67% of the total operating revenues as determined by Chapter 69 of the Commission's Rules.

The City published notice of its public hearing in the June 6, 2003 edition of the Daily Sun Journal. The City held a public hearing on the proposed rate changes at City Hall on June 17, 2003. On June 27, 2003, the City filed its Schedule of Rates consisting of Sheet 1, Fourth Revision; Sheet 2, Third Revision; and Sheet 3, Fourth Revision.

Section 6104(3) requires that the utility publish notice of the hearing in a newspaper of general circulation in the area, at least 14 days prior to the hearing, and specifies certain information that must be included in the notice. The City of Lewiston Water Division did publish a notice in the Daily Sun Journal, but failed to publish that notice 14 days prior to the date of the hearing. However, the individual notices to customers, mailed on May 23, 2003, complied with these requirements. Thus, the Water Division's attempt to change its rates under Section 6104 failed. The Water Division did satisfy all of the other requirements of Section 6104. The Commission processed the requested rate change pursuant to 35-A M.R.S.A. § 307 because of the procedural failure of the Section 6104 filing.

The Commission considered the City of Lewiston Water Division's proposed rate changes at its deliberations on July 21, 2003. Based upon the information presented and the absence of a petition or complaints from the Water Division's customers, the Commission decided that further investigation is unnecessary and that it will not suspend the operation of the proposed schedule. Accordingly, the Schedule of Rates, consisting of Sheet 1, Fourth Revision; Sheet 2, Third Revision; and Sheet 3, Fourth Revision, filed on June 27, 2003, will become effective by operation of law on August 1, 2003.

While we see no useful purpose in investigating this matter further, we remind the City of Lewiston Water Division that it must comply with all aspects of Maine law, including public notice requirements.

By allowing the schedule of rates to become effective by operation of law, the Commission does not explicitly or implicitly approve the proposed rate changes. A copy of the Schedule of Rates is attached for your reference.

Sincerely,

Dennis Keschl  
Administrative Director

Enclosure  
CC: Malcolm Horton